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OFFICE OF PETITIONS

In re Application of
James L. Martin, Jr.
Application No. 09/413,105
Filed: October 6, 1999
Attorney Docket No.: **149-0031US**

ON PETITION

This is a decision on the petition filed May 28, 2002 to withdraw the holding of abandonment for the above-identified application which is being treated under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned on January 23, 2002, for failure to timely submit a timely response to the non-Final Office Action mailed October 22, 2001, which set a three month period for reply. Accordingly, a Notice of Abandonment was mailed May 6, 2002.

Petitioner asserts that a response was filed and, in support, petitioner has submitted, *inter alia*, a copy of the response in the form of an amendment with a certificate of mail date of December 27, 2001 and a post card receipt date stamped January 18, 2002 by the USPTO.

The evidence submitted corroborates a timely response to the non-Final Office Action. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee is due and none has been charged.

This matter will be referred to Technology Center 2172 for appropriate action on the amendment filed January 18, 2002 (certificate of mail date December 27, 2001), a copy of which was submitted upon petition.

Telephone inquiries concerning this matter may be directed to the undersigned.
Petitions Attorney at (571) 272-3212.

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